

**UNITED STATES DISTRICT COURT
OF NEVADA**

Case No. 3:24-CV-00152

MOTION TO EXTEND Deadlines for Mertis' Briefs (Second Request)

5 ANDREW LINDSTROM,

Pro-Se PLAINTIFF

7 VS.

8 NEVADA STATE MILITIA

DEFENDANT

10 Under *Federal Rules of Civil Procedure 26(f)* and *LR 26-3*, Pro-Se Plaintiff, Andrew
11 Lindstrom moves for a 30-day extension of all deadlines for the merits briefs by the Court's
12 Scheduling Order (ECF No. 46). The extension would result in the changes below:

SCHEDULED EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Plaintiff's Motion for Summary Judgment	4/28/2025	5/30/2025
Federal Defendant's Combined Opposition/Motion for Summary Judgment	5/30/2025	6/30/2025
Plaintiff's Combined Opposition/Reply	6/30/2025	7/30/2025
Federal Defendant's Reply	7/21/2025	8/30/2025

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1 This is the second request to extend any deadlines outlined in the Scheduling Order (ECF
2 no. 46). As outlined in the Court Minutes (ECV no. 82), the Court was permissive to extending
3 the briefing deadlines at the request of either party. The plaintiff did not object to the Defendant's
4 request in extension in their motion to extend deadlines (ECF no. 86) to allow them to obtain
5 declarations from the *National Guard Bureau* (NGB). Since the Plaintiff did not receive the
6 declarations from Defendant until April 17th, 2025, which show three parties involved with the
7 Plaintiff's FOIA request, two of which were not named or identified previously in ECF no. 13-1 -
8 it is impractical and improbable for the Plaintiff to draft a Mertis Brief sufficiently arguing the
9 merits and grounds of FOIA within 11 days from the date of the declarations provided by
10 Defendant.

11 Included in *Exhibit 1* to this filing, is the original email communication between Defendant's
12 counsel and Plaintiff requesting an extension on March 20th, 2024 – eight days before the
13 original filing deadline for Plaintiff's first Summary Judgement brief. The first extension was
14 filed by the Defendant on March 21st, 2025, and approved by the Court on March 24th, 2025,
15 without objection from either party, four days before the original briefing deadline of March 28th,
16 2025.

17 In the *Motions Hearing* held by Magistrate Justice Denney on February 12th, 2025 – he
18 questioned the Defendant why no declaration had originally been provided by the Defendant
19 justifying their use of redactions and exemptions allowed under FOIA and stated that the Plaintiff
20 Mr. Lindstrom was “hamstrung” in his ability to produce a proper legal argument without these
21 declarations provided. Now that the declarations have been provided, the Plaintiff requests more
22 time to carefully review them without a “looming” deadline of seven days.

1 The requested exemption will allow the undersigned Plaintiff to carefully review the
2 declarations, research the process and exemptions of FOIA against the claims made by
3 Defendant in their declarations and present his complete and finalized merits brief promptly. It
4 should be noted by all parties that Defendant was granted over 60 days to provide the Court-
5 directed declarations to Plaintiff, which creates a "disproportionate" ability for Plaintiff to
6 produce the required brief/s properly with such a short timeline to finalize his brief. By *FRCP*
7 26(f) – Plaintiff did contact the Defendant this morning (April 21st, 2025) requesting an
8 extension, as the Declarations were filed Thursday, April 17th, 2025 – and Federal employees
9 traditionally do not work on the weekend. Therefore, the Plaintiff has contacted the Defendant's
10 counsel at the first available opportunity. At the filing of this *Motion to Extend Deadline*, no
11 response has been received from the Defendant, so Plaintiff will file this motion as an "opposed"
12 motion unless otherwise responded to by Defendant.

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1 DATED THIS DAY OF APRIL 21st, 2025.

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3 Respectfully Submitted,

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By:



5 *Pro-Se Plaintiff Andrew J. Lindstrom*
6 Plaintiff
7 449 Sheep Camp Drive
8 Dayton, Nevada 89403
9 (775) 508 6010
10 Email: kxlindstrom@gmail.com

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IT IS SO ORDERED.

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UNITED STATES MAGISTRATE JUDGE

DATED: April 24, 2025.